

J. Christ Harrison

EXHIBIT #5
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Our request is simply to recognize in state statute the approach that Service members are directed to follow in designating a person to direct the disposition of their remains (what we call a PADD). Forty-eight percent of Service members are less than 25 years old. Since they are required to designate a PADD on the DD Form 93, it is highly unlikely they will research to see whether they also need to follow a different state requirement for designating an agent in the event of their untimely death. The DD Form 93 is an essential part of their military record, also designating their beneficiaries for other death benefits, and Service members are required to update it annually and before any deployment. Our request will ensure that the DD Form 93 is consulted and viewed as the legally sufficient document for designating a PADD.

Let me illustrate our issue by sharing a case with you that shows what can happen when there is a lack of clarity in which rule to follow in designating a PADD:

A deceased Soldier who was married but estranged from his wife, elected his mother as the PADD on DD Form 93. The mother wanted to cremate the Soldier; however, the funeral home refused to cremate the remains without the wife's consent (based on the rules of the state). The spouse was reluctant to sign the consent for cremation and only after a military attorney intervened, did the wife eventually consent.

Eventually the wishes of the Service member to have his mother direct disposition were honored; however, this situation, and the unnecessary delay it caused, could have been avoided if the state statute in question had referred to the DD Form 93.

The proposed amendment to state law on disposition removes confusion for the family and allows funeral directors to confidently refer to a single document to approach the Service member's choice for directing the disposition of his or her remains.